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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/736,164 12/15/2003		Peter Haas	PO-7901/LeA 36,290 4411		
157 75	90 11/25/2005		EXAMINER		
	ERIAL SCIENCE LL	COONEY, JOHN M			
100 BAYER RO PITTSBURGH.		ART UNIT	PAPER NUMBER		
	,		1711		

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/736,164	HAAS ET AL.	
Examiner	Art Unit	
John m. Cooney	1711	

The MALLWS DATE of this communication appears on the cover sheet with the correspondence address THE REPLY ELLO 18 Newerlew 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. ☐ The ripply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must strely like now of the following replics; 1) an emendency, efficient, or other redelions, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  3 ☐ The period for reply expiresmorths from the mailing date of the final rejection, expert the third of the statistic protein of reply expire late than SIX MONTHS from the mailing date of the final rejection, examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS F		John m. Cooney	1711					
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To oavoid bandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavil, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a)	The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
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b)   The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRNAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been flied is the date for proposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set (orth in (a) above, if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set (orth in (3) ADMONITE) OF AAA ANY reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set (orth in (3) ADMONITE).  Compared the proposed amendment of the final rejection with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal as been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  In proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise the issues of new matter (see NOTE below);  (b) They raise the issues that would require further consideration and/or search (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal;	1.  The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliant time periods:	n the same day as filing a Notice of wing replies: (1) an amendment, aff tice of Appeal (with appeal fee) in o ce with 37 CFR 1.114. The reply mo	Appeal. To avoid aba fidavit, or other evider compliance with 37 Cl	rce, which FR 41.31; or (3)				
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL    The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal was peen filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).    AMENDMENTS	b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or the statutory period for reply expire to the statutory period for reply expire to the statutory period for reply expires to the statutory period for reply expires on: (1) the mailing date of this A no event.	or reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In wever, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  It is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN						
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		(P10/SB/08 or P10-1449) Paper N	John m Cooney Primary Examiner					



Continuation of 11. does NOT place the application in condition for allowance because: The indicated release agents of the examples possessing OH number values within the range of "about 43 to about 53" (FAPE 8 and FAPE 9 - OH number of 43 & FAPE 3 - OH number of 53) is not evidence sufficient to show that applicants, at the time the application was filed, had possession of the invention as it is now claimed.